

App. No. 10/031287
Amd. Dated November 24, 2003
Office Action Dated August 22, 2003

REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 1-11 are hereby amended. Claims 13-17 are new. No new matter has been added. Claims 1-17 are pending.

The application is objected to because of alterations which have not been initialed and/or dated as required by 37 C.F.R. 1.52(c). A copy of the specification as originally filed is enclosed. A properly executed oath or declaration which complies with 37 CRF 1.67(a) and identifies the application by the application number and filing date is required. Applicant is hereby submitting a properly executed Combined Declaration & Power of Attorney.

The arrangement of the specification is objected to because of the lack of headings. The specification has been amended to add headings where appropriate. Removal of the objection is request.

Claim rejections - 35 U.S.C. § 112

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In particular, in claim 3, line 2, "the side"; claim 4, line 2, "the wall opening"; claim 5, line 2 "the wall plane"; claim 7, line 2 "have the same opening direction"; and claim 11, line 2, " the two outer surfaces. The claims have been amended as follows to read "a side" for claim 3, line 2; "a wall opening" for claim 4, line 2; "a wall opening" for claim 5, line 2; "open toward a single

App. No. 10/031287
Amd. Dated November 24, 2003
Office Action Dated August 22, 2003

direction" for claim 7, line 2; and "two outer surfaces" for claim 11, line 2. Applicant does not concede the correctness of the rejection. Withdrawal of the rejection is respectfully request.

In claim 1, line 1 (and throughout the claims) the phraseology "screen element" is not readily understood by the Examiner. Applicant respectfully disagrees that "screen element" is a "screen door". Applicant uses the term "screen element" to mean a partition, divider or panel, inserted into an opening of a wall (page 1, line 13 of substitute specification), which "consist of an essentially plate-shaped screen element in a hard material, typically wood, glass, steel or aluminum or combinations thereof" (page 1, line 24 of substitute specification). Applicant has amended claim 1, line 1 (and claims throughout) to read "openable screen element unit". Applicant does not concede the correctness of the rejection. Withdrawal of the rejection is respectfully request.

In claim 1, line 2 the phraseology "or" is indefinite. Claim 1, line 2 has been amended to remove "particularly a door or a window". New claims 13 and 14 recite "the screen element is a door" and "the screen element is a window", respectively. Applicant does not concede the correctness of the rejection. Withdrawal of the rejection is respectfully request.

In claim 1, line 6, the phraseology "preferably" is indefinite. Claim 1, line 6 has been amended to remove "preferably rectangular in shape". New claim 15 recites "the screen element is rectangular in shape." Applicant does not concede the correctness of the rejection.

App. No. 10/031287
Amd. Dated November 24, 2003
Office Action Dated August 22, 2003

Withdrawal of the rejection is respectfully request.

In claim 2, line 3, the phraseology "preferably" is indefinite. Claim 2, line 3 has been amended to remove "10° to 20°, preferably around". The limitation "wherein the two planar section element are placed in two planes with a mutual angle of 10° to 20°" has been added to claim 1. Applicant does not concede the correctness of the rejection. Withdrawal of the rejection is respectfully request.

In claim 5, line 2, "have" should be "has". Claim 5, line 2, has been amended read "has". Claim 5, line 2 has also been amended to remove "or coincident". New claim 17 tracks claim 5. Applicant does not concede the correctness of the rejection. Withdrawal of the rejection is respectfully request.

In claim 6, line 1, the applicant recites "the element". Claim 6, line 1 has been amended to read "the screen element unit". Applicant does not concede the correctness of the rejection. Withdrawal of the rejection is respectfully request.

In claim 9, line 2, the phraseology "and/or" is indefinite. Claim 9, line 2 has been amended to remove "/or" and "with optional sensor means for activating the lighting means". New claim 16 is dependent on claim 9 "further comprising: sensor means for activating the lighting means". Applicant does not concede the correctness of the rejection. Withdrawal of the rejection is respectfully request.

App. No. 10/031287
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In claim 10, lines 1-2, the phraseology "a fire door" is not readily understood. As previously stated Applicant uses the term "screen element" to mean a partition, divider or panel, which "consist of an essentially plate-shaped screen element in a hard material, typically wood, glass, steel or aluminum or combinations thereof" (page 1, line 24 of substitute specification). Applicant respectfully disagrees that all doors could be considered "fire doors". Applicant does not concede the correctness of the rejection. Withdrawal of the rejection is respectfully request.

Claim rejections - 35 U.S.C. § 102

Claims 1-8, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambright et al. (US 5,558,418). Applicant respectfully traverses the rejection, and respectfully requests reconsideration in view of the of the following. Claim 1 has been rewritten to include the limitation " wherein the two planar sectional elements are placed in two planes with a mutual angle of 10° to 20° " recited in claim 2. The angle creates a favorable geometry whereby the screen element unit extends sufficiently out from the wall portion to ensure the communicative effect without the screen element unit appearing as a hindrance to the functionality of the room and the door geometry appearing as a hindrance to the opening of the door. Claims 2-8, 10 and 12 depend directly or indirectly from claim 1. Applicant does not concede the correctness of the rejection. Withdrawal of the rejection is respectfully requested.

Claim rejections - 35 U.S.C. § 103

App. No. 10/031287
Amd. Dated November 24, 2003
Office Action Dated August 22, 2003

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambright et al. (US 5,558,418) in view of Eccleston et al. (US 5,878,530). Applicant respectfully traverses the rejection, and respectfully requests reconsideration in view of the of the following. Claims 9 and 11 depend either directly or indirectly from claim 1. Thus, Eccleston et al. does not remedy the deficiencies of Lambright et al. Applicant does not concede the correctness of the rejection. Withdrawal of the rejection is respectfully requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, John J. Gresens (Reg. No. 33,112), at (612) 371.5265.

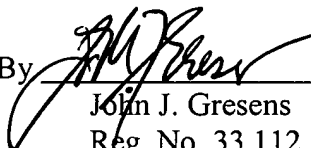


Dated: November 24, 2003

JJG:mmm

Respectfully submitted,

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By 
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